

FORM PTO-1390
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

10191/4771

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

18/579707

INTERNATIONAL APPLICATION NO.

PCT/DE2004/002221

INTERNATIONAL FILING DATE

**(07.10.04)
07 October 2004**

PRIORITY DATE CLAIMED:

**(11.12.03)
11 December 2003**

TITLE OF INVENTION

METHOD AND DEVICE FOR OPERATING A DRIVE UNIT

APPLICANT(S) FOR DO/EO/US

CLAUDEPIERRE, Christian; HOEPFINGER, Rainer; and REICHENBACH, Thomas

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (unsigned).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification and marked-up version of substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **International Search Report, Written Opinion of the International Searching Authority, new claims submitted in PCT application on 1/11/06 and 3/21/05, and PCT/RO/101.**

<div style="display: flex; justify-content: space-between;"> U.S. APPLICATION NO. (if known, see 37 CFR 1.5) INTERNATIONAL APPLICATION NO. ATTORNEY'S DOCKET NUMBER </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> 10/579707 PCT/DE2004/002221 10191/4771 </div>		
The following fees are submitted:		
21 <input checked="" type="checkbox"/> Basic National Fee	\$ 300.00	\$300.00
22 <input type="checkbox"/> Examination Fee – If International preliminary exam report prepared by USPTO and all claims satisfy provisions of PCT Article 33/(1)-(4).....	\$ 100.00	\$
<input checked="" type="checkbox"/> Examination Fee - All other situations	\$ 200.00	\$200.00
23 <input type="checkbox"/> Search Fee – Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as ISA	\$ 100.00	\$
<input checked="" type="checkbox"/> International Search Report prepared and provided to the Office.....	\$ 400.00	\$400.00
<input type="checkbox"/> Search Fee – All other situations	\$ 500.00	\$
TOTAL OF ABOVE CALCULATIONS		\$ 900.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
-100	/50=	x \$250
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total Claims	14 - 20 =	0
Independent Claims	4 - 3 =	1
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00
TOTAL OF ABOVE CALCULATIONS =		\$1,100.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		
SUBTOTAL =		\$1,100.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$
TOTAL NATIONAL FEE =		\$1,100.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$
TOTAL FEES ENCLOSED =		\$1,100.00
		Amount to be refunded:
		\$
		Amount to be charged
		\$1,100.00
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>11-0600</u> in the amount of \$1,100.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-0600</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.		
SEND ALL CORRESPONDENCE TO: KENYON & KENYON LLP One Broadway New York, New York 10004 CUSTOMER NO. 26646		
SIGNATURE <u>Gerard A. Messina (Reg. No. 35,952)</u> NAME <u>5/18/06</u> DATE		